

1085

VIRGINIA:

BOOK 576 PAGE 013

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 02-0618-1033

ELECTIONS: UNIT FF-34
(herein "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on October 4, 2002 which was recorded at Deed Book 566, Page 498 in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on October 9, 2002, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit FF-34;

Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Union National Bank, Corporate Trust PA1328, 123 Broad Street, Philadelphia, PA 19109-1199, Telephone: (215) 985-3485 or (800) 664-9359, Attn: Don Ballinghoff, or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

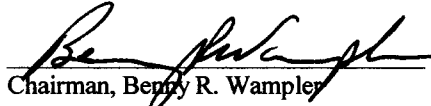
ENTERED

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

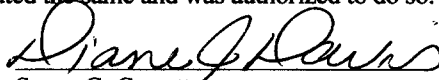
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 18th day of February, 2003, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler


STATE OF VIRGINIA
COUNTY OF WISE

Acknowledged on this 18th day of February, 2003, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Susan G. Garrett
Notary


My commission expires: 9/30/05.

DONE AND PERFORMED THIS 19th day of February, 2003, by Order of the Board.


B. R. Wilson,
Director of the Division of Gas & Oil Board and
Principal Executive to the Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this 19th day of February, 2003, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Director of the Division of Gas & Oil Board and Principal Executive to the Board, that he executed the same and was authorized to do so.


Diane J. Davis, Notary

My commission expires: 9/30/05.

Order Recorded Under Code of
Virginia Section 17.1-201.03

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Pocahontas Gas Partnership for Forced Pooling of Interests in CBM Unit FF-34
VGOB-02-0618-1033 in the Hurricane District of Russell County, Virginia

AFFIDAVIT OF POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") REGARDING
ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by Consol Energy Inc., as a Gas Engineer and is duly authorized to make this affidavit on behalf of POCAHONTAS GAS PARTNERSHIP, the designated operator,

That the Order entered on October 4, 2002, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on October 9, 2002;

That the designated operator POCAHONTAS GAS PARTNERSHIP has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of October 4, 2002;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

Barrie R. Hess, et ux. and Edith R. Plaster

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

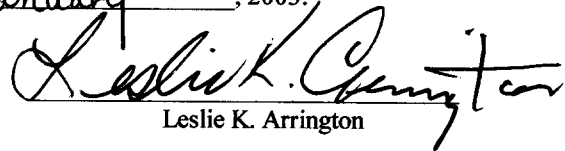
See attached Exhibit B-2

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

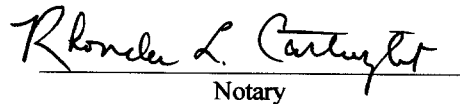
See attached Exhibit EE

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Tazewell, Virginia, this 20th day of January, 2003.


Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as Gas Engineer of Consol Energy Inc., on behalf of the corporate Designated Operator, this 20th day of January, 2003.


Notary

My commission expires: 10/31/03.

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

BOOK 578 PAGE 17

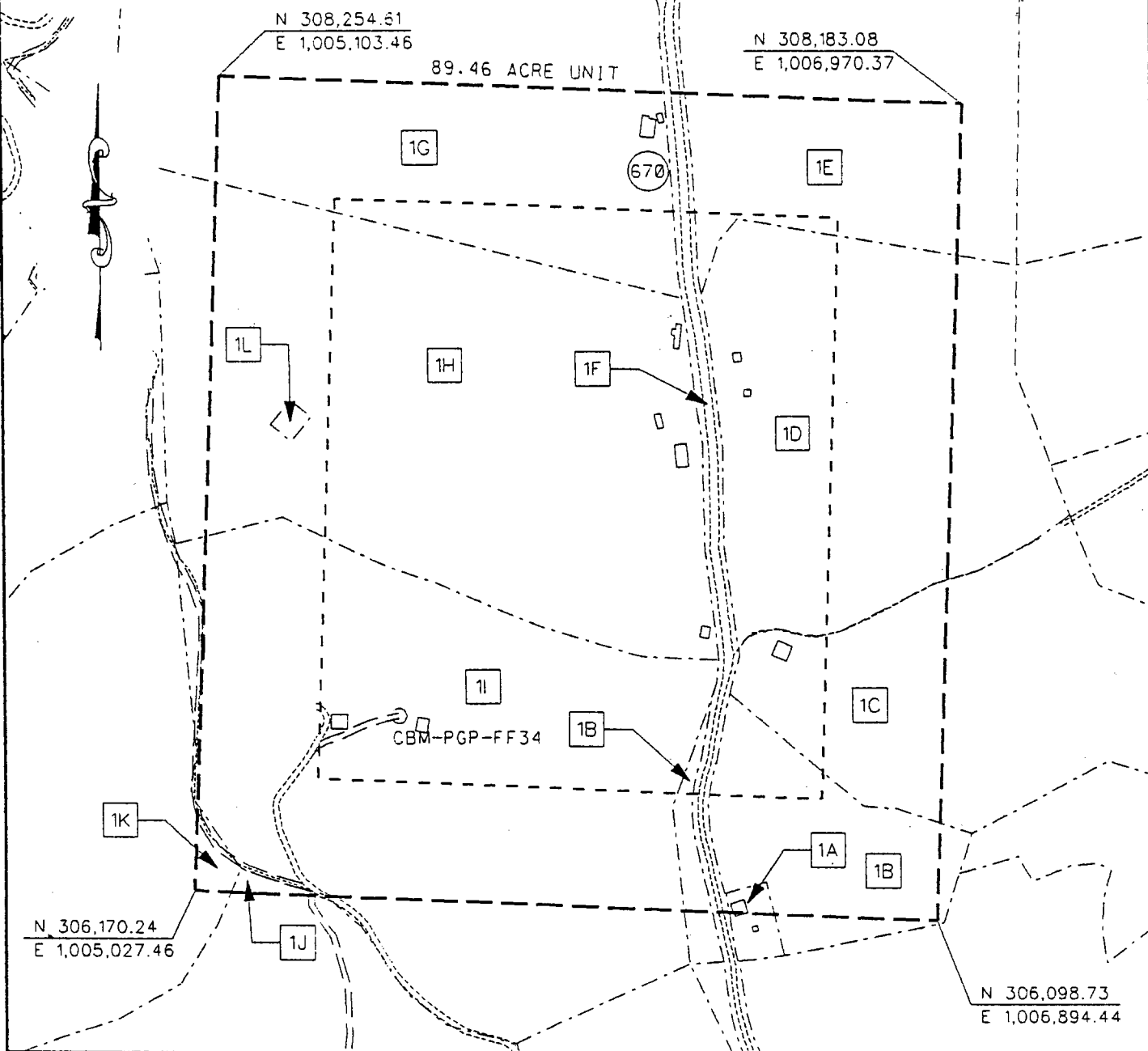


EXHIBIT A
OAKWOOD FIELD UNIT FF-34
FORCE POOLING
VGOB-02-0618-1033

Company Pocahontas Gas Partnership Well Name and Number UNIT FF34
Tract No. _____ Elevation _____ Quadrangle Keen Mountain
County Russell District New Garden Scale: 1" = 400' Date 5/16/02
This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGD-GO-7
Rev. 9/91

Charles D. May
Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

POCAHONTAS GAS PARTNERSHIP**UNIT FF-34****Tract Identifications**

- 1A. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Barrie R. Hess – Surface and All Minerals except Coal
Pocahontas Gas Partnership – Oil, Gas and CBM Leased
0.17 acres 0.1900 %
- 1B. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Harold Wilson, et ux. – Surface and All Minerals except Coal
5.19 acres 5.8015 %
- 1C. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Nellie J. Stillwell – Surface and All Minerals except Coal
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
4.80 acres 5.3655 %
- 1D. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Ruby Ball Lawson – Surface and All Minerals except Coal
13.26 acres 14.8223 %
- 1E. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Paul Richardson, et ux. – Surface and All Minerals except Coal
5.53 acres 6.1815 %
- 1F. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Dollie S. Belcher and/or Paul E. Richardson, et al – All Minerals except Coal
Commonwealth of Virginia - Surface
2.33 acres 2.6045 %

POCAHONTAS GAS PARTNERSHIP**UNIT FF-34****Tract Identifications**

- 1G. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Dollie S. Belcher – Surface and All Minerals except Coal
10.34 acres 11.5582 %
- 1H. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Doris E. Dye – Surface and All Minerals except Coal
25.14 acres 28.1019 %
- 1I. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Pocahontas Gas Partnership – Surface and All Minerals except Coal
22.05 acres 24.6480 %
- 1J. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Dennis Richardson, et al. – All Minerals except Coal
Roy H. Meadows, et ux. - Surface
0.17 acres 0.1900 %
- 1K. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Edith R. Plaster, et al. – Surface and All Minerals except Coal
Pocahontas Gas Partnership - Oil, Gas and CBM Leased (50%)
0.36 acres 0.4024 %
- 1L. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Doris E. Dye – Surface and All Minerals except Coal
0.12 acres 0.1342 %

Exhibit B-2
CBM-PGP-FF34
Docket #VGOB 02-0618-1033
List of Respondents to be Dismissed
(89.46 Acre Unit)

BOOK 575 PAGE 6020

	Acres in Unit	Interest in Unit	Reason for Addition	Reason for Dismissal
II. <u>OIL & GAS FEE OWNERSHIP</u>				
<u>Tract #1A, 0.17 acres</u>				
(1) Barrie R. Hess RR1 Box 58 Swords Creek, VA 24649	0.17 acres	0.1900%	New owner	Leased
<u>Tract #1K, 0.36 acres</u>				
(1) Edith R. Plaster, et al.	0.36 acres	0.4024%		
(a) Edith R. Plaster RR1 Box 371 Swords Creek, VA 24649	0.18 acres 1/2 of 0.36 acres	0.2012%		Leased

Exhibit B-3
CBM-PGP-FF34
Docket #VGOB 02-0618-1033
List of Unleased Owners/Claimants
(89.46 Acre Unit)

BOOK 576 PAGE 5021

	Acres in Unit	Interest in Unit
II. OIL & GAS FEE OWNERSHIP		
<u>Tract #1D, 13.26 acres</u>		
(1) Ruby Ball Lawson RR1 Box 277A Raven, VA 24639	13.26 acres	14.8223%
<u>Tract #1E, 5.53 acres</u>		
(1) Paul Richardson, et ux. 8444 S. County Road 350W Stilesville, IN 46180	5.53 acres	6.1815%
<u>Tract #1F, 2.33 acres</u>		
(1) Commonwealth of Virginia Dept. of Highways P.O. Box 1768 Bristol, VA 24203	2.33 acres	2.6045%
<u>Tract #1G, 10.34 acres</u>		
(1) Dollie S. Belcher RR1 Box 264 Raven, VA 24639	10.34 acres	11.5582%
<u>Tract #1H, 25.14 acres</u>		
(1) Doris E. Dye P.O. Box 173 Rosedale, VA 24280	25.14 acres	28.1019%
<u>Tract #1J, 0.17 acres</u>		
(1) Dennis Richardson, et al. 3563 Monnen Chapel Road Bucyrus, OH 44820	0.17 acres	0.1900%
<u>Tract #1K, 0.36 acres</u>		
(1) Edith R. Plaster, et al.	0.36 acres	0.4024%
(b) Rose Jackson 101 Cole Street Richlands, VA 24641	0.18 acres 1/2 of 0.36 acres	0.2012%
<u>Tract #1L, 0.12 acres</u>		
(1) Doris E. Dye P.O. Box 173 Rosedale, VA 24280	0.12 acres	0.1341%

Exhibit E
CBM-PGP-FF34
Docket #VGOB 02-0618-1033
List of Conflicting Owners/Claimants that require escrow
(89.46 Acre Unit)

BOOK 576 PAGE 5022

	Acres in Unit	Interest in Unit
<u>Tract #1B, 5.19 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 187 Tazewell, VA 24651	5.19 acres	5.8015%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Harold Wilson, et ux. RR1 Box 369B Cedar Bluff, VA 24609	5.19 acres	5.8015%
<u>Tract #1C, 4.80 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 187 Tazewell, VA 24651	4.80 acres	5.3655%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Nellie J. Stillwell RR1 Box 321 Raven, VA 24639	4.80 acres	5.3655%
<u>Tract #1D, 13.26 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 187 Tazewell, VA 24651	13.26 acres	14.8223%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Ruby Ball Lawson RR1 Box 277A Raven, VA 24639	13.26 acres	14.8223%
<u>Tract #1E, 5.53 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 187 Tazewell, VA 24651	5.53 acres	6.1815%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Paul Richardson, et ux. 8444 S. County Road 350W Stilesville, IN 46180	5.53 acres	6.1815%

Exhibit E
CBM-PGP-FF34
Docket #VGOB 02-0618-1033
List of Conflicting Owners/Claimants that require escrow
(89.46 Acre Unit)

BOOK 57 PAGE 023

	Acres in Unit	Interest in Unit
<u>Tract #1F, 2.33 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 187 Tazewell, VA 24651	2.33 acres	2.6045%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Commonwealth of Virginia Dept. of Highways P.O. Box 1768 Bristol, VA 24203	2.33 acres	2.6045%
<u>Tract #1G, 10.34 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 187 Tazewell, VA 24651	10.34 acres	11.5582%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Dollie S. Belcher RR1 Box 264 Raven, VA 24639	10.34 acres	11.5582%
<u>Tract #1H, 25.14 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 187 Tazewell, VA 24651	25.14 acres	28.1019%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Doris E. Dye P.O. Box 173 Rosedale, VA 24280	25.14 acres	28.1019%
<u>Tract #1J, 0.17 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 187 Tazewell, VA 24651	0.17 acres	0.1900%

Exhibit E
CBM-PGP-FF34
Docket #VGOB 02-0618-1033
List of Conflicting Owners/Claimants that require escrow
(89.46 Acre Unit)

BOOK 57 PAGE 0021

	Acres in Unit	Interest in Unit
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Dennis Richardson, et al. 3563 Monnen Chapel Road Bucyrus, OH 44820	0.17 acres	0.1900%
<u>Tract #1L, 0.12 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 187 Tazewell, VA 24651	0.12 acres	0.1341%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Doris E. Dye P.O. Box 173 Rosedale, VA 24280	0.12 acres	0.1341%

Exhibit EE
CBM-PGP-FF34
Docket #VGOB 02-0618-1033
List of Conflicting Owners/Claimants with Royalty Split Agreements
(89.46 Acre Unit)

BOOK 576 PAGE 3025

	Acres in Unit	Interest in Unit
<u>Tract #1A, 0.17 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 187 Tazewell, VA 24651	0.17 acres	0.1900%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Barrie R. & Christina Hess RR1 Box 58 Swords Creek, VA 24649	0.17 acres	0.1900%
<u>Tract #1I, 22.05 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 187 Tazewell, VA 24651	22.05 acres	24.6479%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Pocahontas Gas Partnership P.O. Box 947 Bluefield, VA 24605	22.05 acres	24.6479%
<u>Tract #1K, 0.36 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 187 Tazewell, VA 24651	0.36 acres	0.4024%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Edith R. Plaster, et al.	0.36 acres	0.4024%
(a) Edith R. Plaster RR1 Box 371 Swords Creek, VA 24649	0.18 acres 1/2 of 0.36 acres	0.2012%
(b) Rose Jackson 101 Cole Street Richlands, VA 24641	0.18 acres 1/2 of 0.36 acres	0.2012%

0000807

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 2-25, 2003. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 10:11 o'clock A.M., after payment of \$ — tax imposed by Sec. 58.1-802.

Original returned this date to:

Diane Davis

TESTE: DOLLIE M. COMPTON, CLERK
BY: Ann S. McReynolds D. CLERK

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT
RUSSELL CIRCUIT COURT
DEED RECEIPT

DATE: 02/25/03 TIME: 10:18:09 ACCOUNT: 167DLR0300807 RECEIPT: 03000001503
CASHIER: CSS REG: R004 TYPE: ODU PAYMENT: FULL PAYMENT
INSTRUMENT : 0300807 BOOK: 576 PAGE: 013 RECORDED: 02/25/03 AT 10:17
GRANTOR NAME : VIRGINIA GAS AND OIL BOARD EX: N LOCALITY: CO
GRANTEE NAME : POCHANTAS GAS PARTNERSHIP EX: N PERCENT: 100%

AND ADDRESS :

RECEIVED OF : DEPT OF MME

CHECK : \$23.00

DESCRIPTION 1: REPORT OF BOARD FINDINGS AND ORDER

PAGES: 12

2:

NAMES: 0

CONSIDERATION:

.00 ASSUME/VAL: .00

MAP:

CODE DESCRIPTION

PAID CODE DESCRIPTION

PAID

301 DEEDS

23.00

TENDERED : 23.00

AMOUNT PAID: 23.00

CHANGE AMT : .00

CLERK OF COURT: DOLLIE M. COMPTON